

**Notice of Allowability**

Application No.

09/965,897

Examiner

Kristie Shingles

Applicant(s)

KAMVYSSELIS, PETER

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/30/2006.
2. ☒ The allowed claim(s) is/are 63-67, 70-76, 79-90, 93-99, 102 and 103.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>2/07</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                   |
|  | 9. <input type="checkbox"/> Other _____  |

kds/20070216

## DETAILED ACTION

### *Response to Amendments*

*Claims 63, 71, 80, 81, 86, 94 and 103 have been amended.*

*Claims 1-62 and 104-108 have been cancelled.*

*Claims 63-103 are pending.*

### *Per Examiner's Amendment*

*Claims 68, 69, 77, 78, 91, 92, 100 and 101 have been cancelled.*

*Claims 63-67, 70-76, 79-90, 93-99, 102 and 103 are pending.*

*Claims 63-67, 70-76, 79-90, 93-99, 102 and 103 are allowed.*

### *Response to Arguments*

I. Applicant's arguments, see Remarks pages 21-24 filed 11/30/2006, with respect to claims 63, 71, 80, 81, 86, 94 and 103 have been fully considered and are persuasive. Therefore the rejection of claims 63-103 has been withdrawn.

### *Examiner's Amendment*

II. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Atty. Donald W. Muirhead on 2/16/2007—which involves the cancellation of dependent claims 68, 69, 77, 78, 91, 92, 100 and 101; and the incorporation of these claims into their respective independent claims.

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- **Regarding Independent Claim 63:** in line 7, delete “and” and on a new line insert—“incrementing the sequence number periodically, according to an amount of time between a first block of data being provided and a second block of data being provided, wherein the second block of data being provided depends upon the first block of data being provided; and”—.
- **Regarding Independent Claim 71:** after line 5, on a new line, insert—“incrementing the sequence number periodically, according to an amount of time between a first packet of data being provided and a second block of data being provided, wherein the second packet of data being provided depends upon the first packet of data being provided;”—.
- **Regarding Independent Claim 86:** in line 8, delete “and” and on a new line insert—“machine readable code that increments the sequence number periodically, according to an amount of time between a first block of data being provided and a second block of data being provided, wherein the second block of data being provided depends upon the first block of data being provided; and”—.
- **Regarding Independent Claim 94:** after line 6, on a new line, insert—“machine readable code that increments the sequence number periodically, according to an amount of time between a first packet of data being provided and a second block of data being provided, wherein the second packet of data being provided depends upon the first packet of data being provided;”—.

### ***Reasons for Allowance***

*The following is the Examiner's statement of reasons for allowance*

III. The prior art or record fails to teach neither singly nor in combination, the claimed limitation of “assigning the first predetermined value as the sequence number to each of the packets of data, wherein at least two packets of data are assigned the same sequence number before the at least two packets of data are sent to a destination, wherein packets of data associated with the same sequence number are sent to the destination in an order that is independent of an order in which the packets are obtained” as stated in independent claims 63, 71, 80, 81, 86, 94 and 103 (Supported in Applicant's Disclosure

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on pages 22, 25 and 27-30).

Specifically, the prior art fails to explicitly teach incrementing the sequence number periodically according to an amount of time between a first packet of data being provided and a second block of data being provided, wherein the second packet of data being provided depends upon the first packet of data being provided. This limitation, in conjunction with other limitations in the independent claims, are not specifically disclosed or remotely suggested in the prior art of record.

A review of claims 63-67, 70-76, 79-90, 93-99, 102 and 103 in view of the Examiner's arguments above and Applicant's Remarks filed 11/30/2006, indicates that claims 63-67, 70-76, 79-90, 93-99, 102 and 103 are allowable over the prior art of record. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

IV. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
*Examiner*  
*Art Unit 2141*

*kds*

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER